

United States District Court
District of Massachusetts

CYCLE-CRAFT CO., INC., d/b/a
BOSTON HARLEY-DAVIDSON/BUELL

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR COMPANY,
INC. and BUELL DISTRIBUTION
COMPANY, LLC

Defendants.

Civil Action No.
04-11402-NMG

ORDER

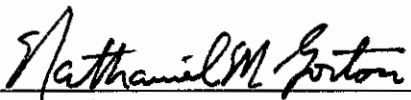
GORTON, J.

Pending before the Court is a motion by the parties to continue the date of trial, which is currently scheduled to begin on Monday, February 20, 2006, and for Court approval of certain procedures related to that trial. The Court treats the parties' Joint Motion to Continue Trial Date and Stipulation Concerning Deposition and Trial Procedure (Docket No. 68) as a motion, which will be **ALLOWED**, in part, and **DENIED**, in part, as follows.

Defendants may serve a subpoena on, and take the deposition of, Claud Jinks. The trial is postponed and will commence on Monday, May 22, 2006. By use of time limits which will be imposed if necessary, the trial will be concluded no later than

Thursday, June 1, 2006. Pursuant to Fed. R. Civ. P. 39(c), the Court will submit the claim brought under Mass. Gen. Laws ch. 93B ("Chapter 93B") to the jury for an advisory verdict whereby the Court will retain full discretion to accept or disregard any jury findings with respect to the Chapter 93B claim.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated: January 31, 2006